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STATE OF ALABAMA)

SHELBY COUNTY)

Before me, the undersigned authority, a Notary Public in and for said County, in said State, personally appeared ROBERT GERALD BOOTHE, who, after being by me first duly sworn to speak the truth, deposes and says as follows:

My name is Robert Gerald Boothe and I am the grantee in that certain deed dated August 30, 1967, and recorded in Deed Book 262, page 474, in the Probate Records of Shelby County, Alabama. By said deed I became the owner of the hereinafter described property situated in Shelby County, Alabama, to-wit:

A part of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, Township 22 South, Range 3 West, described as follows: Commence at the SW corner of said $\frac{1}{4}$ $\frac{1}{4}$ Section and run North along West line a distance of 215 feet to point of beginning; thence run East 350 feet; thence run North 275 feet to a point 60 feet South of the center of the railroad spur track to Little Gem Coal Company mines; thence run West 350 feet to West boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section; thence South along the West boundary of said $\frac{1}{4}$ $\frac{1}{4}$ Section 275 feet to point of beginning.

The grantors in the above said deed by which I received title to the property in question were Arthur Boothe and wife, Clara G. Boothe. I am a son of Arthur Boothe and a grandchild of Avery Boothe and Leila Boothe. The said Avery Boothe at one time owned an interest in the above described property. Said Avery Boothe died, however, prior to June 24, 1939, intestate and did not leave a last will and testament. Said Avery Boothe was a resident of Shelby County at the time of his death. Subsequent to the death of Avery Boothe all of his heirs at law executed a deed conveying their interest in the above described property to Leila Boothe, the surviving widow of Avery Boothe. The following named persons constitute all of the heirs at law of Avery Boothe, deceased, as they existed on June 24, 1939, together with their spouses: J. C. Allen and wife, Mary Katie Allen, William Boothe and wife, Eva Boothe, Cecil W. Lawley and wife, Phoebe Lawley, Cecil Boothe and wife, Flora Boothe, John Nelson and wife, Ida Nelson, Lucien Boothe and wife, Alma Boothe, Herman Boothe and wife, Grace Boothe, Sam Mitchell and wife, Lillie Mitchell, Steive Belchoff and wife, Fannie Belchoff, Arthur Boothe and wife, Clara Boothe, and Clare Boothe, a single woman. The above named were the grantors in that certain deed whereby the interest in the above described property was conveyed by the heirs of Avery Boothe to Leila Boothe, his surviving widow. Subsequent to the conveyance of the property to Leila Boothe, by the heirs of Avery Boothe, deceased, said Leila Boothe conveyed the above described property to my father Arthur Boothe on June 29, 1939, by deed recorded in Deed Book 106, page 389, in the Probate Records of Shelby County, Alabama. One of the provisions of said deed was that Arthur Boothe would keep, maintain and provide for said Leila Boothe during her natural life and should also provide for, care for, and maintain Clara Boothe so long as said minor child remained

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single. Said Leila Boothe died several years ago and Clara Boothe has been married for many years and now has children and grand-children. Said Arthur Boothe did care for and maintain said Leila Boothe and Clara Boothe as was stipulated in said deed and there is no dispute concerning this among the family.

It has been called to my attention that Little Gem Coal Company has executed a transmission line permit to Alabama Power Company which I understand is recorded in the Probate Office of Shelby County, Alabama, and is dated January 20, 1942. I also understand that said Little Gem Coal Company executed a mortgage to the Bank for Savings and Trust Company on June 20, 1947, which is recorded in Mortgage Book 199, page 573, in the Probate Records of Shelby County, Alabama. Actually, Little Gem Coal Company nor any other person has been in possession of the first above described property or any part thereof during the more than thirty years next preceding the execution of this affidavit other than affiant and his predecessors in title. There have never been any disputes whatsoever concerning the occupation, use, ownership, or possession of said property.

There is a residence located on the above described property which is presently owned and occupied by affiant and his wife. For more than thirty years next preceding the execution of this affidavit said above described property and the residence situated thereupon has been occupied by affiant and affiant's predecessor in title Arthur Boothe or their tenants. There have never been any disputes or questions whatsoever concerning the occupation, use, ownership or possession of said property.

Robert L. Boothe

Sworn to and subscribed before me
on this 8th day of January, 1971.

Dean C. Burt
Notary Public

My Commission Expires Sept. 24, 1973

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED
1971 JAN 11 PM 9:39
U.C.C. FILE NUMBER OR
REC. NO. & PAGE AS SHOWN ABOVE
Doney J. Dwyer
NOTARY PUBLIC